



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2012 REGULAR SESSION

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SENATE BILL NO. 55

AS ENACTED

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FRIDAY, MARCH 30, 2012

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RECEIVED AND FILED  
DATE April 11, 2012  
5:45 p.m.

ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Mary Sue Nelson

1 AN ACT relating to emergencies.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 39B IS CREATED TO  
4 READ AS FOLLOWS:

5 (1) As used in this section, "emergency" means an occurrence or condition in a  
6 jurisdiction within or outside of the Commonwealth that results in a situation:

7 (a) That poses an immediate risk to health, life, property, or the environment;

8 (b) That is not initially at the level of a disaster or emergency that requires a  
9 local or state declaration of disaster or emergency, even if such a local or  
10 state declaration is made after the initial request for mutual aid; and

11 (c) For which the governing jurisdiction determines:

12 1. The situation exceeds its ability to render appropriate aid; and

13 2. That it is in the public's best interest to request mutual aid from a  
14 governmental jurisdiction or private entity in another state with which  
15 the governing jurisdiction has entered into a mutual aid agreement  
16 under this section.

17 (2) (a) As used in this section, "emergency responder" means a person:

18 1. Who is required to possess a license, certificate, permit, or other  
19 official recognition for the person's expertise in a particular field or  
20 area of knowledge; and

21 2. Whose assistance is desirable during an emergency.

22 (b) The term includes, but is not limited to, the following:

23 1. Firefighters, hazardous materials personnel, specialized rescue  
24 personnel, extrication personnel, water rescue personnel, and other  
25 specialized personnel;

26 2. Emergency medical services personnel;

27 3. Physicians;

1        4. Nurses;

2        5. Mental health practitioners, veterinary practitioners, and other public  
 3        health practitioners;

4        6. Emergency management personnel; and

5        7. Public works personnel.

6        (3) As used in this section, "political subdivision" has the same meaning as in KRS  
 7        39D.040.

8        (4) (a) In order to more adequately address emergencies that extend or exceed a  
 9        jurisdiction's emergency response capabilities, either without rising to the  
 10        level of a state or local declaration of a state disaster or emergency, or in the  
 11        initial stages of an event that may later become a declared state of disaster  
 12        or emergency, the state and any of its departments or agencies, or any  
 13        political subdivision, may enter into written mutual aid agreements with  
 14        units of government from another state that provide coordination of  
 15        communications for, training for, response to, and standby for planned  
 16        events and emergency responses within the Commonwealth of Kentucky or  
 17        in another state.

18        (b) When an emergency responder from outside Kentucky is engaged in  
 19        training, standby, and emergency response in accordance with a mutual aid  
 20        agreement under this section, the emergency responder from outside  
 21        Kentucky is permitted to provide services within Kentucky in accordance  
 22        with this section and the terms of the mutual aid agreement under this  
 23        section.

24        (c) This section shall not be construed to prohibit a private entity or its  
 25        employees from participating in the provision of mutual aid if:

26        1. The participating political subdivision approves the participation of  
 27        the private entity; and

1           2. A contract between the political subdivision and the participating  
2           private entity permits the participation.

3   (5) If an emergency responder from a jurisdiction outside Kentucky holds a license,  
4   certification, or other permit recognized or issued by another state, that  
5   emergency responder is considered to be licensed, certified, and permitted in  
6   Kentucky to render aid involving such skill to meet the request for assistance  
7   under a mutual aid agreement signed pursuant to this section, so long as the  
8   emergency responder acts within the scope of:

9   (a) The emergency responder's license, certificate, or permit; and

10   (b) What would be authorized by an equivalent license, certificate, or permit  
11   from or recognized by the Commonwealth of Kentucky.

12   (6) All immunities from liability available to Kentucky political subdivisions, other  
13   units of local government in Kentucky, and their officers, agents, and employees  
14   within Kentucky are extended to political subdivisions and other units of local  
15   government from another state, and their officers, agents, and employees, who  
16   under a mutual aid agreement authorized by this section are:

17   (a) Providing mutual aid; or

18   (b) Engaged in training and exercises.

19   (7) (a) Emergency responders rendering mutual aid under a mutual aid agreement  
20   authorized by this section remain employees and agents of their respective  
21   employers and jurisdictions.

22   (b) A mutual aid agreement entered into under this section does not create an  
23   employment relationship between the jurisdiction requesting aid and the  
24   employees and agents of the jurisdiction rendering aid.

25   (c) All pension, relief, disability, death, worker's compensation, and all other  
26   benefits enjoyed by emergency responders rendering mutual aid under a  
27   mutual aid agreement authorized by this section extend to the services the

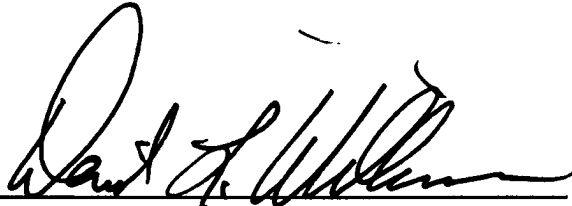
1       emergency responders perform outside their respective jurisdictions, as if  
2       those services had been rendered in their own jurisdiction.


3       (8) A mutual aid agreement under this section shall be approved by each political  
4       subdivision entering into the mutual aid agreement. A copy of the mutual aid  
5       agreement, including any amendments, shall be delivered to the fiscal court or  
6       legislative body having countywide jurisdiction and the county emergency  
7       management agency of that jurisdiction.

8       (9) This section shall not be construed to limit, modify, or abridge:

9       (a) Kentucky's emergency management agency statutes; or

10      (b) The emergency management assistance compact under KRS 39A.950.

  
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President of Senate

  
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Speaker House of Representatives

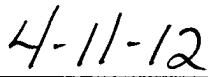
Attest:

  
\_\_\_\_\_  
Chief Clerk of Senate

Approved

  
\_\_\_\_\_  
Governor

Date

  
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